

**REMARKS**

**I.      Status of Claims**

Claim 1 is the sole claim currently pending in the present application. Claims 2 – 10 and 15 – 19 were previously canceled, and claims 11 – 14 are canceled by this amendment without waiving any rights to the subject matter contained therein. Claim 1 has been amended. Support for this amendment may be found in at least paragraph [0063] and in FIG. 1 of the application as published. No new matter has been added.

Claim 1 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2004/0144367 (“Braun”) in view of U.S. Patent No. 4,924,966 (“Kanda”). The Office Action has not raised any issues with the specification or the drawings.

The Applicant respectfully requests reconsideration of these rejections in view of the foregoing amendments and the following remarks.

**II.     Statement of Substance of Interview**

In compliance with M.P.E.P. § 713.04, the Applicant provides this Statement of Substance of Interview concerning the personal interview conducted on October 27, 2010, between Examiner Jeremy Luks and Applicant’s representative, Bryan Nese.

- (A) Exhibits.                  No exhibit was shown. No demonstration was conducted.
- (B) Claim.                        Claim 1 was discussed.
- (C) Prior art.                    Braun and Kanda
- (D) Amendments.                Those presented above
- (E) Principal Arguments. Applicant’s representative described certain features of the present invention to the Examiner. Examiner Luks indicated that Kanda did not appear to teach a noise emissions decreasing device having a “cap-like” structure as described in paragraph [0063] of the published application. He further indicated that an amendment describing the noise emissions decreasing device as such would likely overcome the present rejection. A further search of the art would then be conducted.
- (F) Other matters.                N/A
- (G) Results.                      No formal agreement was reached.

### III. Remarks Regarding the § 103 Rejection

Claim 1, the only remaining claim, stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Braun in view of Kanda.

The Applicant respectfully submits that claim 1 is patentable over the cited references at least because it recites, in part, “*the noise emission decreasing device having a cap-like structure* that covers an open end of the inner pipe.” (emphasis added)

Neither Braun nor Kanda (individually or in combination) teaches providing a noise emissions decreasing device with a cap-like structure on only an open end of an inner pipe, as recited by claim 1. Nevertheless, the Office action asserts that the combination of Braun and Kanda renders claim 1 of the present application unpatentable.

One example of a delivery pipe in accordance with claim 1 of the present application is shown in Figure A below. This example includes an outer pipe (20), an inner pipe (30) disposed within and fluidly isolated from the outer pipe, and a noise emission decreasing device (40) located within the inner pipe. As fuel is delivered (in the direction of the arrows) through a flow path (22), the noise emission decreasing device serves to reduce the noise caused by the pressure of the fuel flowing into various fuel injectors (1). As shown in FIG. 2 of the present application, the noise emission decreasing device may be a mesh that occupies the entire cross-section of the inner pipe. Further, the noise emission decreasing device (40) may be disposed only at the open end (31) of the inner pipe (30) and may have a cap-like structure that covers the open end of the inner pipe.

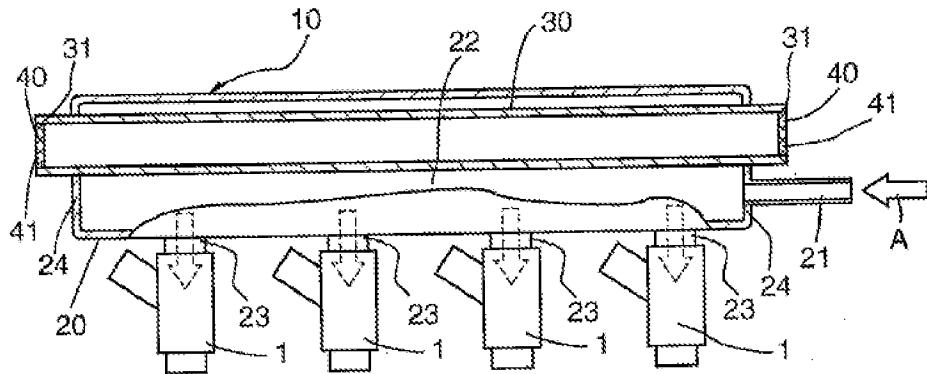
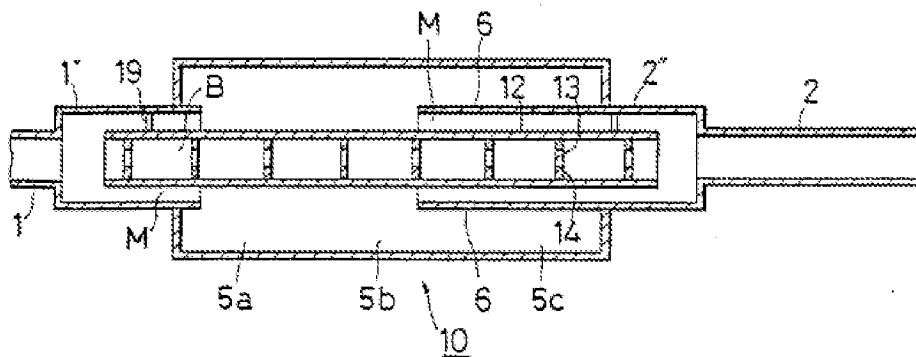


Figure A: FIG. 1 of the Present Application

Braun, on the other hand, merely describes a typical fuel rail damping device. While this device includes an inner/outer pipe structure, it fails to teach the use of a meshed noise emission decreasing device. Though this feature is absent from Braun, the Office action alleges that Kanda teaches a noise emission decreasing device.

Kanda, however, describes a muffler, as shown in Figure B below. The Kanda muffler includes a plurality of resistance bodies (14), which “each hav[e] a passing hole 13 at the center to form an orifice.” (Kanda at col. 3, ll. 33 – 35.) As shown in the figure below, the Kanda device uses numerous resistance bodies (14) throughout the length of its pipe in order to suppress sound, none of which are located at an open end of the inner pipe or have a cap-like structure.



**Figure B: FIG. 2 of Kanda**

A delivery pipe in accordance with claim 1 of the present application is distinct from the combined Braun/Kanda device. While a pipe in accordance with claim 1 of the present application may have a noise emission decreasing device having a cap-like structure and located only at an open end of an inner pipe, the combined Braun/Kanda device at best teaches using a plurality of resistance bodies along the inside of a pipe. Throughout its description, Kanda specifically states that the invention features “an inner pipe having a ***plural number*** of resistance bodies.” (E.g., Kanda at col. 2, ll. 10 – 11 (emphasis added).) The Kanda reference fails to teach placing a noise emission decreasing at only an open end of the inner pipe, as shown in Figure A above. Further, there is nothing to indicate that the Kanda’s resistance bodies are cap-like in nature. Rather, they appear to be formed within the pipe itself, perhaps being press fit or integrally connected to the pipe. This is distinct from the cap-like structure of the noise emissions decreasing device recited by present claim 1, which covers an open end of the inner

pipe much like the cap on a soda bottle would cover the bottle's mouth. Accordingly, claim 1 has been amended to highlight these distinctions.

For at least these reasons, the Applicant submits that the combination of cited references fails to teach every feature of the proposed amended claims. Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejection of claim 1.

**IV. Conclusion**

In view of the foregoing discussion, the Applicant respectfully submits that the present application is in all aspects in allowable condition. Favorable reconsideration and early issuance of a Notice of Allowance are therefore respectfully requested.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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